

Austin v. Tesla, Inc. et al

California Northern District Court

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| Judge: | Edward M Chen |
| Case #: | 3:20-cv-00800 |
| Nature of Suit | 890 Other Statutes - Other Statutory Actions |
| Cause | 28:1331 Fed. Question |
| Case Filed: | Feb 03, 2020 |

Docket

Parties (9)

Opinions (1)

Last checked: **Saturday Aug 01, 2020 1:23 AM PDT**

Defendant

Steve Anderson

Defendant

Balance Staffing

Defendant

Daniel Garcia

Defendant

MVP Personnel Staffing Group

Defendant

Sandy Malloy

Defendant

Joseph Mendiola

Defendant

Tesla, Inc.

Defendant

Vince Woodard

Plaintiff

George Jarvis Austin
Esq. (TBA) George J. Austin, esq. (TBA). 240 Channel Street 431
Stockton, CA 95202



GPO

Feb 05 2020

ORDER TO SHOW CAUSE why 3 application to proceed in forma pauperis should not be denied. Response due by February 26, 2020. Signed by Chief Magistrate Judge Joseph C. Spero on February 5, 2020. (jcslc2S, COURT STAFF) (Filed on 2/5/2020) (Additional attachment(s) added on 2/5/2020: # (1) Certificate/Proof of Service) (klhS, COURT STAFF).

Docket last updated: 11/15/2020 11:59 PM PST

Sunday, November 15, 2020

45



notice

Notice (Other)

Sun 11/15 9:11 PM

NOTICE by George Jarvis Austin re39 Notice (Other) of series of previous, and upcoming, filed AFFIDAVITS by Plaintiff buttressing the underlying causes of action, and supporting the subsequent jury, or settlement awards recommended for Defendant Tesla, and its legal representation, suggested review. These include AFFIDAVITS independently verified, and fact checked, under the penalty of perjury by the State of California Auditing and Accounting Departments, and individual employers whom the State contacted for its fact finding, and its requisite, and thorough due diligence (i.e. verifying check stubs, account numbers, transactions, deposits, employer records, etc.) concurrently with the Amended Complaint which already surpassed the Iqual and Twombly standards for Judicial Review by the Honorable Judge Chen.(Austin, George)

Att: 1 Exhibit Example of Similarly Situated Plaintiff, and causes of action, resulting in 2013 nearby (Sacramento) \$167 million record verdict for wrongful termination

Thursday, November 12, 2020

44



misc

Objection

Thu 11/12 11:53 PM

OBJECTIONS to re40 MOTION to Dismiss Defendant Tesla, Inc.s Notice of Motion and Motion to Dismiss Plaintiffs First Amended Complaint or, in the Alternative, Strike Portions of Plaintiffs First Amended Complaint to Defendant Tesla's Motion Request (and Proposed Order), as well as its underlying, and factually/legally incorrect, assertions several of which have been preemptively (and independently) verified, and proven, in Plaintiff's favor (by independent finders of fact conducting proper proactive due Diligence) by George Jarvis Austin. (Austin, George)

43





misc


Proposed Order

Thu 11/12 5:40 PM


Proposed Order re41 MOTION to Dismiss Defendant Tesla, Inc.s Memorandum of Points and Authorities in Support of its Motion to Dismiss Plaintiffs First Amended Complaint or, in the Alternative, Strike Portions of Plaintiffs First Amended Complaint ,40 MOTION to Dismiss Defendant Tesla, Inc.s Notice of Motion and Motion to Dismiss Plaintiffs First Amended Complaint or, in the Alternative, Strike Portions of Plaintiffs First Amended Complaint [Proposed] Order Granting Defendant Tesla, Inc.s Motion to Dismiss Plaintiffs First Amended Complaint or, in the Alternative, Strike Portions of Plaintiffs First Amended Complaint by Tesla, Inc.. (Kuei, Jean)

42  **notice** **Certificate of Interested Entities, Corporate Disclosure Statement, or Rule 7.1 Disclosures** **Thu 11/12 5:38 PM**
 Certificate of Interested Entities by Tesla, Inc. Defendant Tesla, Inc.s Certification of Interested Entities or Persons (Kuei, Jean)


41  **motion** **Dismiss** **Thu 11/12 5:33 PM**
 MOTION to Dismiss Defendant Tesla, Inc.s Memorandum of Points and Authorities in Support of its Motion to Dismiss Plaintiffs First Amended Complaint or, in the Alternative, Strike Portions of Plaintiffs First Amended Complaint filed by Tesla, Inc.. Motion Hearing set for 12/17/2020 01:30 PM in San Francisco, Courtroom 05, 17th Floor before Judge Edward M. Chen. Responses due by 11/27/2020. Replies due by 12/4/2020. (Kuei, Jean)

40  **motion** **Dismiss** **Thu 11/12 5:24 PM**
 MOTION to Dismiss Defendant Tesla, Inc.s Notice of Motion and Motion to Dismiss Plaintiffs First Amended Complaint or, in the Alternative, Strike Portions of Plaintiffs First Amended Complaint filed by Tesla, Inc.. Motion Hearing set for 11/17/2021 01:30 PM in San Francisco, Courtroom 05, 17th Floor before Judge Edward M. Chen. Responses due by 11/27/2020. Replies due by 12/4/2020. (Kuei, Jean)



Thursday, October 15, 2020

39  **notice** **Notice (Other)** **Tue 10/20 10:34 AM**
 NOTICE of Acknowledgement of receipt re32 Summons Issued. (jlgS, COURT STAFF)

Tuesday, October 06, 2020

38  **misc** **Affidavit** **Tue 10/06 3:17 AM**
 AFFIDAVIT re37 Affidavit,,28 Amended Complaint #4 State of California Verification of All Wages in George J. Austin's name, including at least, and approximately, \$25,000.00 of stolen, or converted wages; and Request from Employer of Re-issuance to Specified Address (as they were never received by Plaintiff). by George Jarvis Austin. (Austin, George)

Monday, October 05, 2020

37  **misc** **Affidavit** **Mon 10/05 6:16 PM**
 AFFIDAVIT re27 Application for Writ,28 Amended Complaint #4 State of California, EDD Back Pay Made, and proper re-computation adjustment going forward (maximum benefit claim starting 4/20/20 based on Audited, and Verified Wages, Accounts, and Financial Information) by George Jarvis Austin.(Austin, George)
 Att: 1  Exhibit State of California, EDD Confirmation of over \$10,000.00 (+) Backpay Made, and Readjustment going Forward to maximum benefit

Tuesday, September 22, 2020

36



motion

Amend/Correct

Tue 09/22 6:23 PM

First MOTION to Amend/Correct 27 Application for Writ, 34 Notice of Additional Parties, 32 Summons Issued, 35 Notice of Additional Parties, 26 Clerk's Notice,, Set Motion and Deadlines/Hearings, 24 Notice of Additional Parties, 19 Order Adopting Report and Recommendations,, 28 Amended Complaint, 33 First MOTION for Discovery of EDD representative Ana's processing full payment, and back-pay, adjustment, yet still not received (due to EDD's unconstitutional withholding) over a month ago, on currently receiving EDD Disability Compensation, 18 Amended Complaint Error: Improperly Terminated Defendant Parties Related [+] filed by George Jarvis Austin. Responses due by 10/6/2020. Replies due by 10/13/2020. (Austin, George)

Att: 1 Exhibit Docket #18 Amended Complaint,

Att: 2 Exhibit Docket #28 Amended Complaint with Incorporation of Urgent Need Injunctive Relief from Defendant Party Employment Development Department (EDD),

Att: 3 Exhibit Docket #26 Application for Injunctive Relief due to Unconstitutional Irreparable Harm & Urgent Need due to over \$10,000 of withheld benefit compensation from Defendant Party Employment Development Department (EDD)

35

notice

Notice of Additional Parties

Tue 09/22 2:31 PM

Notice of Additional Parties: the following parties are listed on 1 Complaint, and have been added to this case: Vince Woodard (Tesla HR), Daniel Garcia (Tesla Lead), Jose Mendiola (Tesla Supervisor) and Sandy Malloy (Balance HR Officer). (This is a text-only entry.) (Austin, George)

utility

Remark

Tue 09/22 1:28 PM

Summons delivered to Marshal for service. (jlgS, COURT STAFF)

Monday, September 21, 2020

34

notice

Notice of Additional Parties

Mon 09/21 9:36 PM

Notice of Additional Parties: the following parties are listed on 1 Complaint, and have been added to this case: California Employment Development Department (Disability Insurance) & Legal Office. (This is a text-only entry.) (Austin, George)

33



motion

Discovery

Mon 09/21 9:26 PM

First MOTION for Discovery of EDD representative Ana's processing full payment, and back-pay, adjustment, yet still not received (due to EDD's unconstitutional withholding) over a month ago, on currently receiving EDD Disability Compensation regarding Injunctive Relief see Dockets 27-32 filed by George Jarvis Austin. Responses due by 10/5/2020. Replies due by 10/13/2020. (Austin, George)

Att: 1 Affidavit #30 Follow Up Communication with Defendant EDD regarding Injunctive Relief Application

32




service

Summons Issued

Mon 09/21 7:09 PM

CORRECTED Summons Issued as to Steve Anderson, Balance Staffing, MVP Personnel Staffing Group, Tesla, Inc. (jlgS, COURT STAFF)

Att: 1 USM-285

31  **service** **Summons Issued** **Mon 09/21 6:53 PM**

ERRONEOUS ENTRY - PLEASE DISREGARD Summons Issued as to Steve Anderson, Balance Staffing, MVP Personnel Staffing Group, Tesla, Inc.(jlgS, COURT STAFF)

Att: 1  Summons


Wednesday, September 16, 2020


30  **misc** **Affidavit** **Wed 09/16 9:25 PM**

AFFIDAVIT re25 Ex Parte Application,29 Affidavit,27 Application for Writ,28 Amended Complaint, 26 Clerk's Notice,, Set Motion and Deadlines/Hearings, 24 Notice of Additional Parties Plaintiff Follow Up #2Affidavit For (EDD) INJUNCTIVE RELIEF by George Jarvis Austin.(Austin, George)

Att: 1  Affidavit Copy of Affidavit #1 with missing elements likely due to file compression,


Att: 2  Exhibit "Notice" Follow Up Email with Chris Workman, EDD Legal Representative,

Att: 3  Exhibit Call Log from Chris Workman confirming reception of Notice to EDD at approx 8:30-8:45am 9/16/20

29  **misc** **Affidavit** **Wed 09/16 3:48 PM**


AFFIDAVIT re25 Ex Parte Application,27 Application for Writ,28 Amended Complaint, 26 Clerk's Notice,, Set Motion and Deadlines/Hearings, 24 Notice of Additional Parties Plaintiff Affidavit For (EDD) INJUNCTIVE RELIEF by George Jarvis Austin. (Austin, George)

Tuesday, September 15, 2020

28  **cmp** **Amended Complaint** **Tue 09/15 11:08 PM**

AMENDED COMPLAINT Incorporating Need for Injunctive Relief against All Defendants. Filed byGeorge Jarvis Austin. (Austin, George)

Sunday, September 13, 2020

27  **misc** **Application for Writ** **Mon 09/14 12:03 AM**


APPLICATION for Writ of Injunctive Relief for Plaintiff by George Jarvis Austin. (Austin, George)

Friday, September 04, 2020

26 **oth_evt** **Clerk's Notice ~Util - Set Motion and Deadlines/Hearings** **Fri 09/04 12:07 PM**

CLERK'S NOTICE RE: BRIEFING SCHEDULE FOR 25 Ex Parte Application. Responses due by 9/13/2020. Replies due by 9/20/2020. (This is a text-only entry generated by the court. There is no document associated with this entry.) (afmS, COURT STAFF)

Sunday, August 30, 2020

25  **notice** **Notice (Other)** **Sun 08/30 7:02 PM**

NOTICE by George Jarvis Austin re21 Affidavit,20 Affidavit,23 Affidavit,22 Affidavit, 24 Notice of Additional Parties,19 Order Adopting Report and Recommendations,, MOTION For JOINDER Of Necessary Party: California Employment Development Department (EDD) (Austin, George)

24  **notice** **Notice of Additional Parties** **Sun 08/30 6:41 PM**


Notice of Additional Parties: the following parties are listed on1 Complaint, and have been added to this case: California Employment Development Department (EDD). (This is a text-only entry.) (Austin, George)

Saturday, July 11, 2020


23  **misc** **Affidavit** **Sat 07/11 1:24 AM**

AFFIDAVIT re21 Affidavit,18 Amended Complaint,20 Affidavit,22 Affidavit,19 Order Adopting Report and Recommendations,, Affidavit (Partial) for Confirmation of Legal Service Address of Defendant Parties (Tesla, et. al) by George Jarvis Austin. (Austin, George)

Thursday, July 09, 2020

22  **137 pgs** **misc** **Affidavit** **Thu 07/09 2:32 PM**

AFFIDAVIT re21 Affidavit,16 Order,,18 Amended Complaint,20 Affidavit, 17 Clerk's Notice,19 Order Adopting Report and Recommendations,, Whistle-Blower Retaliation Partial Affidavit Related [+] Initial Disclosure(s) by George Jarvis Austin. (Austin, George)

21  **misc** **Affidavit** **Thu 07/09 2:37 AM**

AFFIDAVIT re16 Order,,18 Amended Complaint, 17 Clerk's Notice,19 Order Adopting Report and Recommendations,, Testimonial Defamation Per Se Affidavit Related [+] Initial Disclosure(s) by George Jarvis Austin. (Austin, George)

Tuesday, July 07, 2020

20  **misc** **Affidavit** **Tue 07/07 11:17 PM**


AFFIDAVIT re18 Amended Complaint Partial Wage Affidavit Related [+] Initial Disclosure(s) by George Jarvis Austin. (Austin, George)

Monday, July 06, 2020

19  **3 pgs** **order** **Order Adopting Report and Recommendations** **Mon 07/06 1:06 PM**

ORDER ADOPTING REPORT AND RECOMMENDATIONS 12 Report and Recommendations. 6 Motion for TRO filed by George Jarvis Austin is denied. The Court will not dismiss Mr. Austins amended complaint pursuant to § 1915(e) review, and it directs the U.S. Marshals to effectuate service on the Defendants. Signed by Judge Edward M. Chen on 7/6/2020. (afmS, COURT STAFF) Any non-CM/ECF Participants have been served by email and First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)

Friday, June 26, 2020

18  **cmp** **Amended Complaint** **Fri 06/26 5:05 PM**


AMENDED COMPLAINT George J. Austin, Esq. (TBA). against All Defendants. Filed byGeorge Jarvis Austin. (Austin, George)

Saturday, June 13, 2020

17  Clerk's Notice Sat 06/13 8:08 AM


CLERK'S NOTICE: Objections to 12 Report and Recommendations are EXTENDED to 6/26/2020. (This is a text-only entry generated by the court. There is no document associated with this entry.) (afmS, COURT STAFF) Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)

Friday, May 29, 2020

16  1 pgs order Order Fri 05/29 10:52 AM

ORDER EXTENDING DEADLINE TO SUBMIT OBJECTIONS re 12 REPORT AND RECOMMENDATIONS re 1 Complaint, filed by George J. Austin, 6 MOTION for Temporary Restraining Order filed by George J. Austin. Objections due 6/12/2020. No further continuance. Signed by Judge Edward M. Chen on 5/29/2020. (afmS, COURT STAFF) Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)

Wednesday, May 06, 2020

15  1 pgs order Order Reassigning Case ~Util - Case Assigned/Reassigned Wed 05/06 9:37 AM

ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge Edward M. Chen for all further proceedings. Magistrate Judge Joseph C. Spero no longer assigned to case, Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and <http://cand.uscourts.gov/cameras..> Signed by Clerk on 05/06/2020.(mbcS, COURT STAFF) Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)


Att: 1  Notice of Eligibility for Video Recording

14  Clerk's Notice Wed 05/06 9:18 AM

CLERK'S NOTICE VACATING INITIAL CASE MANAGEMENT CONFERENCE SET FOR 5/8/2020 at 2:00 PM before Chief Magistrate Judge Joseph C. Spero. (This is a text-only entry generated by the court. There is no document associated with this entry.) (klhS, COURT STAFF)


13  1 pgs order Order Reassigning Case Wed 05/06 9:17 AM

ORDER REASSIGNING CASE.. Signed by Chief Magistrate Judge Joseph C. Spero on 5/6/2020. (klhS, COURT STAFF)

12  motion Report and Recommendations Wed 05/06 9:09 AM


REPORT AND RECOMMENDATIONS re dismissal of 1 Complaint and denial of 6 Application for Temporary Restraining Order. Objections due by May 20, 2020. The case management conference previously set for May 8, 2020 is VACATED. Signed by Chief Magistrate Judge Joseph C. Spero on May 6, 2020. (jcslc2S, COURT STAFF)

Monday, March 09, 2020

11  misc Consent/Declination to Proceed Before a US Magistrate Judge Tue 03/10 2:12 PM

CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by George J. Austin. (wsnS, COURT STAFF)


Tuesday, March 03, 2020

10  1 pgs order Order on Motion for Permission for Electronic Case Filing Tue 03/03 9:55 AM


Order, signed 3/3/2020, by Chief Magistrate Judge Joseph C. Spero granting 9 Motion for Permission for Electronic Case Filing.(klhS, COURT STAFF)

Att: 1  Certificate/Proof of Service


Tuesday, February 25, 2020

8  oth_evt Clerk's Notice re: Consent or Declination Tue 02/25 9:29 AM

CLERK'S NOTICE Re: Consent or Declination: Plaintiff shall file a consent or declination to proceed before a magistrate judge. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: <http://cand.uscourts.gov/civilforms>. (Party/parties were also notified via telephone or email.) Consent/Declination due by 3/10/2020. (klhS, COURT STAFF)

Att: 1  Certificate/Proof of Service


Monday, February 24, 2020

9  motion Permission for Electronic Case Filing Thu 02/27 12:08 PM


MOTION for Permission for Electronic Case Filing.(jlgS, COURT STAFF)

Att: 1  Proposed Order,

Att: 2  Envelope


7  2 pgs order Order on Motion for Leave to Proceed In Forma Pauperis Mon 02/24 5:28 PM

ORDER by Chief Magistrate Judge Joseph C. Spero granting 3 , 5 Motions for Leave to Proceed in Forma Pauperis and sealing attachments. (jcslc2S, COURT STAFF)


6  motion Temporary Restraining Order Mon 02/24 5:23 PM

MOTION for Temporary Restraining Order filed by George J. Austin. (wsnS, COURT STAFF)


Friday, February 14, 2020

5  motion Proceed In Forma Pauperis Tue 02/18 8:19 AM

MOTION for Leave to Proceed in forma pauperis, filed by George J. Austin. (wsnS, COURT STAFF) (wsnS, COURT STAFF)

Att: 1  (2/18/2020) Exhibit

Wednesday, February 05, 2020

4  2 pgs order Order to Show Cause Wed 02/05 1:02 PM


ORDER TO SHOW CAUSE why 3 application to proceed in forma pauperis should not be denied. Response due by February 26, 2020. Signed by Chief Magistrate Judge Joseph C. Spero on February 5, 2020. (jcslc2S, COURT STAFF) (klhS, COURT STAFF)

Att: 1  (2/5/2020) Certificate/Proof of Service


Monday, February 03, 2020


3  **motion** **Proceed In Forma Pauperis** **Tue 02/04 11:45 AM**


MOTION for Leave to Proceed in forma pauperis filed by George J. Austin. (jlmS, COURT STAFF)

2  **order** **Initial Case Management Scheduling Order with ADR Deadlines** **Tue 02/04 11:43 AM**

Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 5/1/2020. Initial Case Management Conference set for 5/8/2020 02:00 PM.(jlmS, COURT STAFF)

Att: 1  JCS - Standing Order,

Att: 2  Standing Order for All Judges

1  **47 pgs** **cmp** **Complaint** **Tue 02/04 11:39 AM**

COMPLAINT; No Process with Jury Demand, against Steve Anderson, Balance Staffing, Daniel Garcia, MVP Personnel Staffing Group, Sandy Malloy, Joseph Mendiola, Tesla, Inc., Vince Woodard. Filed by George J. Austin. (Filing Fee: Not Paid; IFPP) Consent/Declination due by 2/18/2020.(jlmS, COURT STAFF)

Att: 1  Civil Cover Sheet

Continue to Create Account